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EXAMINER
RUTLEDGE, AMELIA L

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 May 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6 and 13</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6 and 13</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to: Amendment, filed 05/13/2008.

2.   Claims 1-6 and 13 are pending. Claim 1 is the independent claim.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-5 and 13 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Escobar et al. ("Escobar"), U.S. Patent No. 5,659,793, issued

August 1997, in view of Yawitz, U.S. Patent No. 6,597,375 B1, filed March 2000,

issued July 2003.

        Regarding independent claim 1, Escobar teaches *an editing system*

comprising a timeline interface having at least one interactive track for interactive

content and at least one track for time-based media, wherein interactive content may be

associated with a point in time on the at least one track for interactive content; since

Escobar teaches a multimedia application development tool with a timeline interface

with multiple timelines, i.e., tracks (Fig. 1; col. 4, l. 1-18) (col. 6, l. 23-29). At least one

timeline is dedicated to interactive objects (col. 4, l. 17-18). Playback of objects on the

timeline occurs in a time sequence indicated by their position on the timeline, resulting

in the association of media with a point in time on at least one track for interactive

content (col. 4, l. 5-61). Escobar teaches interactive content in the form of reusable computer program objects that can be dragged and dropped onto interactive tracks, such as a hypertext reference or opening another object (col. 8, l. 29-67), or graphics or text overlay objects, or multimedia objects (col. 9, l. 64-col. 10, l. 35). Escobar teaches time-based media in the form of video tracks, i.e., source clips (col. 6, l. 6-29).

Escobar teaches *a user interface for receiving a user selection whether to place interactive content on the at least one interactive track at a single point in time with a locator object;* since Escobar teaches a user interface for receiving a user selection of where to place content icons on an interactive timeline track and of what type of content to place on the interactive track (Fig. 1, Fig. 6, col. 11, l. 31-60; col. 10, l. 10-36).

Escobar suggests a user interface selection to place interactive content on the interactive track ... *or at a point in time with a duration with a source clip object.* Escobar strongly suggests the limitation since Escobar discloses a user interface for receiving a user selection of different icons to place on the interactive timeline track (Fig. 1, Fig. 6, Fig. 7, col. 11, l. 31-60), and Escobar further teaches placing icons representing video source clips, with time codes representing duration, on the timeline track.

Escobar does not teach that the duration of the source clip is visually represented on the timeline interface and for that reason does not disclose a user selection between *locator object* and *source clip object*, instead Escobar teaches that icons are used to represent all objects on the timeline including video source clips, and thus does not disclose a source clip interface object distinct from the locator object.

However, Yawitz discloses a video editing system with a timeline interface for user selection of a video clip, including a timeline which allows a user to place a source video clip object at a point in time on the timeline with a duration, and allows the user to view and control both duration and point in time on the interactive track (Abstract, Fig. 2, col. 1, l. 30-65; col. 3, l. 12-col. 4, l. 3).

Both Escobar and Yawitz disclose a video editing system with a timeline interface programmatically linked to control elements; Yawitz discloses several video windows coupled to a control element and timeline interface (col. 2, l. 21-37; col. 4, l. 61-col. 5, l. 45) which are dynamically updated, and Escobar teaches an icon coupled to a linked list data structure, where the icon is placed on a timeline track (col. 10, l. 10-57). Therefore it would have been obvious and desirable to one of ordinary skill in the art at the time of the invention to have combined the dynamically updated timeline interface allowing editing of a source clip duration disclosed by Yawitz with the timeline interface with icons disclosed by Escobar, resulting in a more efficient and intuitive interface for video editing and decreasing the time needed to select a video clip (Yawitz, col. 1, l. 13-27; col. 2, l. 45-55).

Escobar further teaches *means for allowing a user to place the interactive content on the at least one interactive track according to the user selection* because Escobar teaches a timeline interface allowing a user to select icons representing interactive content and place the icons in a sequence on a timeline track (Fig. 1, col. 10, l. 10-45; Fig. 5E).

Escobar also teaches *wherein a locator object is an object that is attached to a*

source clip object in the timeline at a specified single point in time on the clip, (col. 10, l.

10-36), since Escobar teaches that an icon is used as a locator object attached to an

asset object and is dragged and dropped by the user onto the selected timeline track at

the start time desired (Fig. 1, col. 10, l. 10-36; col. 10, l. 58-col. 12, l. 15).

Escobar teaches *wherein a source clip object is an object that has a start*

position and a duration in the track, because Escobar teaches that the icon locator

object is attached to a source clip object, i.e., a movie or film clip (Fig. 1, col. 10, l. 10-

36; col. 10, l. 58-col. 12, l. 15), which are called asset objects by Escobar, and that a

time code is applied to assets so that an edit point can be defined as a certain duration

from a clearly delineated starting point for asset playback (col. 8, l. 9-28).

It would have been obvious and desirable to one of ordinary skill in the art at the

time to combine interface elements from Escobar and Yawitz in order to have more

intuitive user interaction in video editing, since both video editing systems used

graphical user interface windows which were linked to video files, and thus the interface

window displays disclosed by Escobar and Yawitz could have been easily modified and

combined in a video editing system.

Dependent claim 2 cites: *The editing system of claim 1, further comprising: a*

bin for storing interactive content;

means for importing interactive content into the bin such that interactive content

is represented by an object in the bin, wherein the object is associated with a unique

reference to the interactive content, and wherein information describing the interactive

content is stored as an attribute of the object;

Escobar teaches a bin for storing interactive content (Col. 6, l. 15-18). Escobar teaches

a process of creating objects, where a bin is selected and properties are edited for the

object by filling in a template (Col. 9, l. 20-45); compare to *and wherein information*

describing the interactive content is stored as an attribute of the object. Files are stored

in industry standard format (Col. 7, l. 52-56). Because files are stored in industry

standard format, it is inherent in the disclosure of Escobar that the file is associated with

a unique reference, as industry standard format requires the unique identification of

files.

   Dependent claim 2 further cites: *wherein the means for allowing a user to place*

interactive content on the at least one interactive track accesses objects representing

the interactive content from the bin; and means for updating the information describing

the interactive content stored as an attribute of the object in the bin by accessing the

interactive content using the unique reference in response to the user invoking a refresh

operation.

Escobar teaches a process by which the user views the contents of the bin and the user

selects an icon from the bin for placement on the timeline, and selects the timeline track

on which the icon is to be placed, then drags and drops the icon at the start time desired

(Col. 10, l. 10-36). Escobar teaches displaying accessing objects representing the

interactive content from the bin, represented by icons, in Fig. 5E and Fig. 5H. Escobar

also teaches a method of updating properties of the interactive content in the IDL by

accessing the interactive content, using the file reference, in response to a refresh

operation (col. 10, l. 37-58 especially lines 55-58). Escobar teaches a means of editing

objects in the bin, making changes to the object, and saving the revised properties for

the object (Col. 9, l. 45-63).

Dependent claim 3 cites: *The editing system of claim 2, wherein the interactive*

content is a trigger element and the unique reference includes a file name for a trigger

file including a description of the trigger element and a unique identifier of the trigger

element.

Escobar teaches the creation and use of program objects, i.e., trigger files, to perform a

variety of functions, which can be dragged and dropped onto interactive tracks (Col. 8, l.

29-67). The objects are stored and edited in the same manner as other objects stored

in the bins. Escobar also teaches a method for storing a pointer to objects dropped on

the timeline so that memory can be accessed to obtain the records referenced by the

pointers at runtime (Col. 10, l. 24-26, l. 37-45).

Dependent claim 4 cites: *The editing system of claim 2, wherein the interactive*

content is a document and the unique reference includes a file name for the document.

Escobar teaches the creation of graphics or text overlay assets, i.e., documents with a

graphic/text editor (Col. 9, l. 64-Col. 10, l. 9). Escobar teaches that files are stored in

industry standard format (Col. 7, l. 52-56). Because files are stored in industry standard

format, it is inherent in the disclosure of Escobar that the file is associated with a file

name, as industry standard format requires the naming of files.

Dependent claim 5 cites: *The editing system of claim 1, further comprising: a bin for storing interactive content; means for importing interactive content into the bin such that information about the interactive content is stored in the bin; wherein the means for allowing a user to place interactive content the at least one interactive track stores information about the interactive content as an attribute of the object used for the interactive content.*

Escobar teaches a bin for storing interactive content (Col. 6, l. 15-18). Escobar teaches a process of creating objects, where a bin is selected and properties are edited for the object by filling in a template, so that information about the content is stored in the bin (Col. 9, l. 20-45). Fig. 6 of Escobar discloses timeline management where a data structure is associated with each timeline track; the structure is a linked list, and each entry in the list points to another data structure, which contains the information necessary to execute the object on the timeline (Col. 11, l. 30-35). This data structure stores information about the object as an attribute.

Regarding dependent claim 13, Escobar also teaches a method of updating properties of the interactive content in the IDL by accessing the interactive content, using the file reference, in response to a refresh operation (col. 10, l. 37-58 especially lines 55-58). Therefore, Escobar teaches a means of editing objects in the bin, making changes to the object, and saving the revised properties for the object in the IDL (Col. 9, l. 45-63).

5.   **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Escobar in view of Yawitz, as applied to claim 1 above, and further in view of
Kanda, U.S. Patent No. 6,324,335 issued November 2001.**

      Regarding dependent claim 6, Escobar in view of Yawitz teaches a multimedia
application development tool, which includes graphics or text overlays, i.e., information
to be displayed with video (Escobar, Col. 8, l. 64-Col. 10, l. 9). Escobar teaches a
means for playing back the program created with the timeline with an intelligent terminal
or set top box or digital entertainment terminal (Col. 12, l. 16-Col. 15, l. 26). Escobar
teaches a graphics display generator and video RAM that manipulate different planes of
active video information (Col. 13, l. 35-Col. 14, l. 4).

      Escobar in view of Yawitz does not explicitly teach a specification of size and
spatial position of the video relative to the information to be displayed in the display, or
means for accessing the specification of the size and spatial position of the video for the
interactive content corresponding to a point in time in the program, however, Kanda
teaches data showing the size and spatial position of the video relative to the
information displayed on the display (col. 17, l. 35-52; col. 17, l. 53-col. 18, l. 14).

      Escobar in view of Yawitz does not explicitly teach a means for displaying the
video and the display information of the interactive content according to the specification
of the size and spatial position of the video relative to the information to be displayed in
the display and the point in time in the program, however, Kanda teaches displaying the
size and spatial position of the video relative to the information displayed on the display
(Fig. 3; col. 17, l. 35-52; col. 17, l. 53-col. 18, l. 14).

All three inventions are directed toward video editing systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kanda to Escobar in view of Yawitz so that the user would have the benefit of an editing system capable of high speed real time edition and having improved usability (Kanda, Col. 1, l. 44-46), and it would have been obvious and desirable to one of ordinary skill in the art at the time to combine interface elements from all three in order to have more intuitive user interaction in video editing, since all three video editing systems used graphical user interface windows which were linked to video files, and thus the interface window displays disclosed by Kanda, Escobar, and Yawitz could have been easily modified and combined in a video editing system.

Response to Arguments

Applicant's arguments filed 05/13/2008 have been fully considered but they are not persuasive.

Applicant's arguments are based on the premise that neither Escobar nor Yawitz teach "interactive content" because both disclose source clips, which are "time-based media" (see Claim 1, Remarks, p. 1-4). However, applicant's specification discloses that "the object types used for time-based media and interactive content are the same." (Spec., p. 1, l. 27). The specification further discloses that "Interactive content may include documents defined in a markup language, documents of multiple media types, documents generated by the execution of a script or other computer program that is executed during program, instructions or command signals sent to equipment, or other

events or actions having a specified time during the interactive program." (Spec. p. 3, l.
26-30).

Escobar expressly discloses interactive content in the form of reusable computer
program objects that can be dragged and dropped onto interactive tracks, such as a
hypertext reference or opening another object (col. 8, l. 29-67), or graphics or text
overlay objects, or multimedia objects (col. 9, l. 64-col. 10, l. 35). Escobar also teaches
time-based media in the form of video tracks, i.e., source clips (col. 6, l. 6-29).

Further, applicant argues that Escobar does not disclose the limitation of claim 1,
a user interface for receiving a user selection whether to place interactive content on the
at least one interactive track at a single point in time with a locator object or at a point in
time with a duration with a source clip object (Remarks, p. 3-4). Escobar was not relied
upon to teach an interface for receiving a user selection of a point in time with a duration
with a source clip object. Yawitz discloses such an interface, as set forth in the rejection
of claim 1, above. Escobar is relied upon to teach an interface allowing placement of
interactive content on a timeline with a locator object. Escobar does teach that the
interactive content has a duration, for example in Fig. 7, which shows interactive content
such as text overlays and special effects having a beginning and end time, thereby
setting a duration.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to AMELIA RUTLEDGE whose telephone number is

(571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR

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